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In re Application of :
NORTON-BAKER :
Application No.: 10/524,677 :
PCT No.: PCT/AU03/01043 :
Int. Filing Date: 15 August 2003 :
Priority Date: 15 August 2002 :
Atty. Docket No.: PRO101 :
For: INTERACTIVE PROPERTY TOUR :
DECISION ON PETITION
UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "CORRECTION OF INVENTORSHIP 37 C.F.R. 1.497(d)(1)" filed 25 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 April 2007, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b).

On 15 September 2008, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903).

On 25 September 2008, applicant filed the present petition to add Marlene Norton-Baker as an inventor in the application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and

- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1), (2) and (4). Specifically, the inventor being added, Mrs. Marlene Norton-Baker, has signed a statement indicating that her omission from the international application was in error and without deceptive intent; applicant has provided payment of the \$130.00 petition fee and filed a newly executed declaration executed by both inventors.

Regarding item (3), applicant has not included a statement from the assignee, Proactive Technologies Pty, Ltd. consenting to the addition of the inventor named in the petition, as well as, right to prosecute pursuant to 37 CFR 3.73(b).

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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